REMARKS

Claims 1-19 are pending in this application. Claims 1-18 were rejected under 35 U.S.C.
112, first and second paragraphs. Claims 7, 11, and 19 were rejected under 35 U.S.C. §112,
second paragraph. Claims 1-4, and 6-7 were rejected under 35 U.S.C. §102(b) as being
anticipated by "Dragon Naturally Speaking for Dummies" (Kay) and were also rejected under 35
U.S.C. §102(b) as being anticipated by "Speech Recognition Software, Round II (Adler). Claims
5 and 8-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over (1) Kay and (2)
Adler (as applied to Claims 1-4 and 6-7) in view of "Choosing Celebrity Endorsers" (Miciak).
Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over (1) Kay and (2) Adler
(as applied to Claims 1-9) in view of Miciak and further in view of "How to get the biggest bang
out of your next spokesperson campaign" (Durham). Claims 11-17 were rejected under 35
U.S.C. §103(a) as being unpatentable over (1) Kay and (2) Adler in view of Miciak. Claim 19
was rejected under 35 U.S.C. §103(a) as being unpatentable over (1) Kay and (2) Adler.

Please amend Claims 1, 7, 8, 11, 12, 18, and 19 as set forth herein. No new matter has
been added.

As an initial matter, in the previous Response (dated December 20, 2005) applicant
requested proof of the date of publication for the documents upon which the Examiner relied to
support at least some his "Officially Noticed" findings. In the current Office Action, the
Examiner states the Burrelles Information Office Product Brochure (which listed in the Notice of
References Cited dated October 11, 2005), has a publication date of December 6, 2000.

However, it is respectfully submitted that the link which is discussed by the Examiner on Page 2, of the Office Action, leads to a document which has the following URL: "http://web.archive.org/web/20030915084027/www.burrelles.com/bio.pdf" (emphasis added). This URL indicates that Burrelles Information Office Product Brochure was archived in 2003 (e.g., see, Appendix) which is after the April 17, 2001 filing date of the present application. Accordingly, it is respectfully submitted that Burrelles Information Office Product Brochure is an invalid reference (e.g., see, MPEP §2128).

Moreover, the document listed as Burrelles.com (Web Pages in the above stated Notice of References Cited dated October 11, 2005), has a publication date which does not correspond with the December 2000 date cited by the Examiner. Accordingly, proper publication date is respectfully requested.

Next, Regarding the Ramakrishnan reference (e.g., see, Page 4, Office Action) provided by the Examiner (which was previously referred to a "Database Management Systems, Third Edition), has a 2003 copyright date which is after the filing date of the present application (e.g., see, Ramakrishnan second page copyright data) and is therefore an invalid reference.

Moreover, in contrast with the Examiner's assertion that a proper rebuttal of at least some of the "Officially Noticed" findings has not been presented. It is respectfully submitted that as at least some of the references upon which the Examiner based at least part of his "Officially Noticed" findings are invalid, a proper rebuttal of the Examiner's "Officially Noticed" findings has been presented and therefore, proper references supporting the "Officially Noticed" findings are now (and were) required (e.g., see, MPEP §2143).

Accordingly, Applicants respectfully request proof of the date of publication for each of these references and request that the Examiner withdraw improper prior art references.

Furthermore, regarding the current Officially Noticed findings, Applicant requests clarification of publication dates for the above-stated references and withdrawal of improper references before addressing the current Officially Noticed findings.

Regarding the Examiner's request that a new title be provided, a new title is submitted herewith.

Regarding the objection to Claim 3, the Examiner states that both Claim 1 and Claim 3, from which Claim 1 depends, recites the same limitation (i.e., that the sample data is stored in the data storage device prior to the adaptation of the automatic speech recognition product). After reviewing Claim 3, it is respectfully submitted that the Examiner is incorrect. Claim 3 includes the recitation of prior to adapting the software product. This limitation is not found in Claim 1. Based on at least the foregoing, withdrawal of the objection to Claim 3 is respectfully requested.

Regarding the objection to Claim 12, Claim 12 has been amended to overcome the objection. Based on at least the foregoing, withdrawal of the objection to Claim 12 is respectfully requested.

Regarding the Examiners objection to Claim 18, Claim 18 has been amended to overcome the objection. Based on at least the foregoing, withdrawal of the objection of Claim 18

is respectfully requested.

Regarding the rejection of Claims 1 and 11 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, Claims 1 and 11 have been amended.

Moreover, regarding the Examiner's assertion that that the disclosure fails to adequately teach how a system would determine whether the product is an automatic speech recognition (ASR) product, the Examiner states that whether or not a product is an ASR product is an inherent characteristic of which the system selecting the product is aware. Accordingly, it is respectfully submitted that if the ASR product has an inherent characteristic (as maintained by the Examiner) of which the system selection the product is aware, the system can then readily identify products which are ASR products without undue experimentation. Furthermore, with reference to the last paragraph on page 6 of the specification, the disclosure teaches providing sample adaptation data for use by an adaptation module includes images for a face recognition product and voice data for a voice recognition product. Thus, the Specification provides support for characteristics of the recognition product. In other words, if the recognition product is a voice recognition product then the adaptation data would include voice data. Consequently, if the adaptation data includes voice data, then it can be determined whether or not the software product is an automatic speech recognition (ASR) product, as recited in amended Claim 1. Support for this recitation is also found in FIG. 1 (in step 17) which recites a determination step in which it is determined whether or not a product is an ASR product. Additionally, further support can be found in the disclosure of the present application (e.g., see, the second paragraph on page 7). Accordingly, withdrawal of the rejection under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, of Claims 1 and 11 is respectfully

requested.

Regarding the rejection of Claims 1 and 11 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement, Claims 1 and 11 have been amended. As stated above, with reference to the last paragraph on page 6, the disclosure teaches providing sample adaptation data for use by an adaptation module includes images for an face recognition produce and voice data for a voice recognition product. Thus, if the adaptation data includes voice data, then it can be determined that the product is a voice recognition product. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement, of Claims 1 and 11 is respectfully requested.

Regarding the rejection of Claim 7 under 35 U.S.C. §112, second paragraph, Claim 7 has been amended to overcome the rejection. Moreover, regarding the Examiner' assertion that there is insufficient antecedent support for the recitation "the adapted product," it is respectfully submitted that Claim 1, from which Claim 7 depends, includes the recitation of configuring the software product to adapt to the person. Thus, the software product is adapted which provides antecedent support for the recitations of Claim 7. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, of Claim 7 is respectfully requested.

Regarding the rejection of Claim 11 under 35 U.S.C. §112, second paragraph, Claim 11 has been amended. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, of Claim 11 is respectfully requested.

Regarding the rejection of Claim 19 under 35 U.S.C. §112, second paragraph, Claim 19 has been amended. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, of Claim 19 is respectfully requested.

Regarding the rejection of independent Claim 1 under 35 U.S.C. §102(b), Claim 1 has been amended and is further distinguished.

Moreover, regarding the Examiner's assertion that the step of determining whether the software product is an automatic speech recognition (ASR) product is inherent in the person's decision to use/purchase the product (such as Dragon NaturallySpeaking), it is respectfully submitted that the present application, as recited in Claim 1, is not limited to ASR products. Thus, a product such as a recognition security product, a user identification product, a use verification product, etc. can also be used by the present application. Accordingly, a combination step including a determinative step is used to determine if the selected product is an ASR product. Additionally, this determinative step is clearly shown to occur after the selection step (e.g., see, FIG. 1, steps 1 and 17).

Adler discloses an in-depth look at two speech recognition products which were developed in the 1990's. These products are similar to the ASR products which are discussed in the background section of the present application. Basically, Adler teaches training these products and discusses the products accuracy.

Kay discloses using an ASR product, which is similar to the ASR products discussed in the Background section of the present application, and teaches training and operating the ASR product.

In contrast, amended Claim 1 includes the recitation of determining whether or not the software product is an automatic speech recognition (ASR) product and transcribing, by the adaptation module, a verbal sample of data from the sample data if it is determined that the software product is an ASR product, which is neither taught nor suggested by Kay or Adler or the combination thereof.

Accordingly, based on at least the foregoing, it is respectfully requested that the rejections under 35 U.S.C. § 102(b) of Claim 1 be withdrawn.

Regarding the rejection under 35 U.S.C. §103(a) of independent Claim 11, Claim 11 has been amended and contains similar recitations as those contained in Claim 1. Accordingly, as Miciak, which discloses Celebrity endorsements can be a double-edged promotional sword that can alienate customers, does not cure the deficiencies of either Kay or Adler, it is respectfully submitted that amended Claim 11 is patentable for at least the same reasons stated above with respect to the rejection of Claim 1. Accordingly, based on at least the foregoing, it is respectfully requested that the rejections under 35 U.S.C. § 103(a) of Claim 11 be withdrawn.
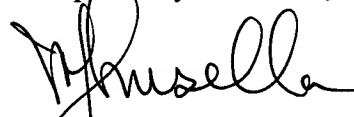
Regarding the rejection under 35 U.S.C. §103(a) of Claim 19, Claim 19 has been amended and contains similar recitations as those contained in Claim 1. Accordingly, as Miciak does not cure the deficiencies of either Kay or Adler, it is respectfully submitted that amended

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Claim 19 is patentable for at least the same reasons stated above with respect to the rejection of Claim 1. Accordingly, based on at least the foregoing, it is respectfully requested that the rejections under 35 U.S.C. § 103(a) of Claim 19 be withdrawn.

Independent Claims 1, 11, and 19 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-10, and 12-18, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-10 and 12-18 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-19, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.
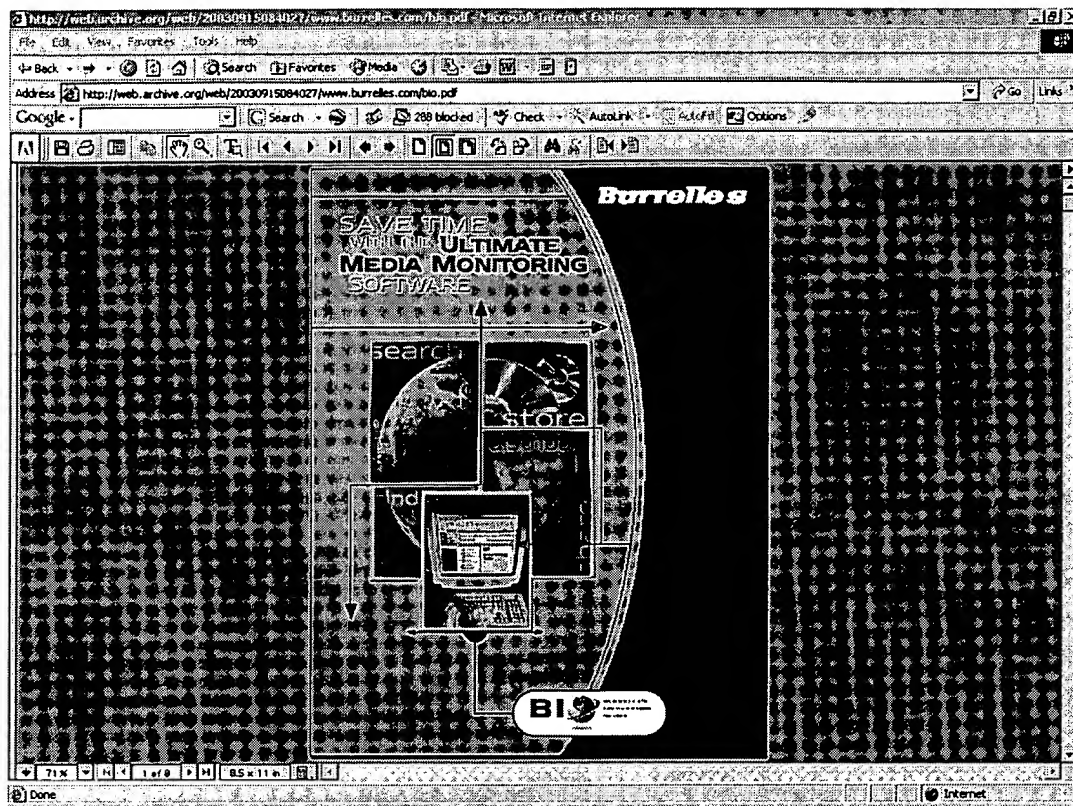
Respectfully submitted,

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APPENDIX

http://web.archive.org/web/20030915084027/www.burrelles.com/bio.pdf